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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JAMES ANTHONY DAVIS,

Petitioner,

vs.

DWIGHT W. NEVEN, et al.,

Respondents.

Case No. 2:15-cv-01574-RFB-NJK

**RESPONDENT'S UNOPPOSED MOTION
FOR EXTENSION OF TIME TO ANSWER
THE FIRST AMENDED PETITION FOR
WRIT OF HABEAS CORPUS (ECF NO. 29)**

(FIRST REQUEST)

Respondents move this Court for an enlargement of time of ninety days from the current due date of Monday, September 14, 2020 up to and including Monday, December 14, 2020, in which to file their answer to Petitioner James Davis' First Amended Petition for Writ of Habeas Corpus. ECF No. 29. This motion is made pursuant to Fed. R. Civ. P. 6(b) and Rule 6-1 of the Local Rules of Practice and is based upon the attached affidavit of counsel.

This is the first enlargement of time sought by Respondents and is brought in good faith and not for the purpose of delay.

DATED September 14, 2020.

AARON D. FORD
Attorney General

By: /s/ Allison Herr
ALLISON HERR (Bar No. 5383)
Senior Deputy Attorney General

DECLARATION OF ALLISON HERR

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

I, Allison Herr, being first duly sworn under oath, depose and state as follows:

1. I am an attorney licensed to practice law in all courts within the State of Nevada and am employed as a Senior Deputy Attorney General in the Office of the Nevada Attorney General. I have been assigned to represent Respondents in the case of *Davis v. Neven*, 2:15-cv-01574-RFB-NJK, and as such, have personal knowledge of the matters contained herein.

2. An answer to the First Amended Petition for Writ of Habeas Corpus (ECF No. 29) is currently due on Monday, September 14, 2020. Respondents have been unable to timely complete their answer and need additional time. Respondents seek an extension of ninety days up to and including Monday, December 14, 2020.

3. Counsel for Respondents has several matters that have come due at or near the same time. Including several matters that had already been extended one or more times. As a consequently Respondents were unable to complete their answer in this case prior to the filing deadline. As Counsel currently has seven answers set with due dates between now and the first week of November along with two evidentiary hearings—one in state court and one in federal court, Respondents are seeking a ninety-day extension to ensure this matter is given appropriate attention.

4. Respondents have conferred with counsel for Petitioner about this request and Petitioner's counsel does not object to the requested extension.

5. This is the first request for an extension.

6. This motion is made in good faith and not for the purpose of delay.

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1 I declare under penalty of perjury that the foregoing is true and correct

2 Executed on this 14th day of September 2020.

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4 /s/ Allison Herr
5 ALLISON HERR (Bar No. 5383)

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7 IT IS SO ORDERED:

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11 RICHARD F. BOULWARE, II
12 UNITED STATES DISTRICT JUDGE

13 DATED this 7th day of October, 2020.
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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing *Motion for Extension of Time to File Response to First Amended Petition for Writ of Habeas Corpus (First Request)* with the Clerk of the Court by using the CM/ECF system on September 14, 2020.

The following participants in this case are registered electronic filing system users and will be served electronically:

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/s/ C. Martinez
An employee of the Office of the Attorney General